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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,205	10/30/2003	Michael E. Jansen	062991-0012	2197
7590	09/13/2005		EXAMINER	
MCDERMOTT, WILL & EMERY Suite 3400 2049 Century Park East Los Angeles, CA 90067			SWERDLOW, DANIEL	
			ART UNIT	PAPER NUMBER
			2646	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,205	JANSEN, MICHAEL E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel Swerdlow	2646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 October 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 is/are rejected.  
 7) Claim(s) 15 and 17-24 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### *Claim Objections*

1. **Claims 15 and 17 through 24 are objected to** because of the following informalities:

Due to an apparent typographical error, these claims, as written, are directed to a process but depend from Claim 13 which is directed to an apparatus (i.e., a dialer). It is unclear whether applicant intended these claims to depend from Claim 14 or intended these claims to be directed to the dialer of Claim 13. Appropriate correction is required. The prior art rejections made below are applicable to either interpretation.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1 through 7, 9 through 11, 13 through 20 and 22 through 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Robin et al. (US Patent 6,137,877).**

4. Regarding Claim 1, Robin discloses a dialer device (Fig. 1, reference 1) comprising: a memory (Fig. 1, reference 45; column 8, lines 6-10) for storing an alternate inter-exchange carrier access code that corresponds to the first long distance access code claimed; and a

microprocessor (Fig. 1, reference 40; Fig. 2; column 5, line 18 through column 6, line 57) configured to: decode and store a dialed telephone number (i.e., receive a string of numbers from a dialing device) (Fig. 2, step 62); dial a preprogrammed 10xxx access code (i.e., deliver the first long distance access code) (Fig. 2, step 64) and stored digits (i.e., at least a portion of the string of numbers to the telephone line) (Fig. 2, step 65) if the first digit is “1” or the first three digits are “011” (i.e., if the string of numbers includes a second long distance access code) (Fig. 2, steps 63, 67); and dial the stored number (i.e., deliver the full string of numbers into the telephone line without the first long distance access code) (Fig. 2, step 68) if the first digit is not “1” and the first three digits are not “011” (i.e., if the string of numbers does not include the second long distance access code) (Fig. 2, steps 63, 67).

5. Regarding Claim 2, Robin further discloses flashing the telephone access line to prevent the dialed number from being completed along the primary carrier line (i.e., disconnect the dialing device from the phone line while receiving at least a portion of the string of numbers) (column 4, lines 27-32).

6. Regarding Claim 3, Robin further discloses applying the dialed number to the telephone line (i.e., connect the dialing device to the phone line after receiving at least a portion of the string of numbers) (column 4, lines 37-40).

7. Regarding Claim 4, Robin further discloses the alternate inter-exchange carrier access code that corresponds to the first long distance access code claimed being “101-XXXX” (column 2, lines 42-46) and the first one or three digits that correspond to the second long distance access code claimed being “1” or “011” (column 5, lines 50-67).

8. Regarding Claim 5, Robin further discloses the first digit that corresponds to the second long distance access code claimed being "1" (column 5, lines 50-67).

9. Regarding Claim 6, Robin further discloses the first three digits that correspond to the second long distance access code claimed being "011" (column 5, lines 50-67).

10. Regarding Claim 7, Robin further discloses the first one or three digits that correspond to the second long distance access code claimed being "1" or "011" (column 5, lines 50-67).

11. Regarding Claim 9, Robin further discloses dialing the preprogrammed 10xxx access code (i.e., delivering the first long distance access code into the telephone line) before the stored digits (i.e., the portion of the string of numbers) (Fig. 2, step 64, 65; column 6, lines 12-15).

12. Regarding Claim 10, Robin further discloses obtaining a dial tone prior to dialing (column 4, lines 27-32).

13. Regarding Claim 11, Robin further discloses the dialing device being a telephone (Fig. 1, reference 10; column 3, line 65 through column 4, line 2).

14. Claims 13 and 14 are essentially to Claim 1 and are rejected on the same grounds.

15. Claims 15 through 20 and 22 through 24 are essentially similar to Claims 2 through 7 and 9 through 11, respectively, and are rejected on the same grounds.

16. **Claims 1, 8, 13, 21 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by deCiutiis et al. (US Patent 5,668,955).**

17. Regarding Claim 1, deCiutiis discloses a dialer device (Fig. 1) comprising: a serial EEPROM memory (Fig. 1, reference 28; column 16, lines 5-8) for storing an access code that corresponds to the first long distance access code claimed; and a microcontroller (Fig. 1,

reference 19; column 10, lines 45-53) configured to: receive digits dialed by a user (i.e., receive a string of numbers from a dialing device); insert an access code (i.e., deliver the first long distance access code) and dialed digits (i.e., at least a portion of the string of numbers to the telephone line) (column 16, lines 25-35) if the first digit is “1” (i.e., if the string of numbers includes a second long distance access code) (column 15, line 58 through column 16, line 4); and transmit the dialed digits (i.e., deliver the full string of numbers into the telephone line without the first long distance access code) (Fig. 2, step 68) if the first digit is not “1” (i.e., if the string of numbers does not include the second long distance access code) (column 15, lines 24-30).

18. Regarding Claim 8, deCiutiis further discloses dialing to the central office the user-dialed digits without the initial “1” (i.e., the delivered portion is the string without the second long distance access code) (column 16, lines 28-35).

19. Claims 13 and 14 are essentially to Claim 1 and are rejected on the same grounds.

20. Claim 21 is essentially similar to Claim 8 and is rejected on the same grounds.

### ***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of Robin or deCiutiis in view of Kaufield et al. (US Patent 5,644,633).**

23. Regarding Claim 12, as stated above apropos of Claim1, either of Robin or deCiutiis anticipates all elements except the dialing device integral with the dialer. Kaufeld discloses the integration of a dialer with a telephone device (column 16, lines 45-47). Kaufeld further discloses that such an arrangement results in the formation of a single telephonic device. It would have been obvious to one skilled in the art at the time of the invention to apply integration of the dialer and telephone as taught by Kaufeld to either of the dialers taught by Robin and deCiutiis for the purpose of conserving space and enhancing safety and convenience by reducing external wiring by providing the functionality in a single telephonic device.

### ***Conclusion***

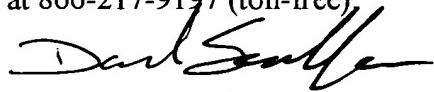
24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6,891,944 to Smith discloses a dialer that inserts a long distance access code when the user dials a telephone number starting with a "1" (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2646

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Swerdlow  
Examiner  
Art Unit 2646

ds  
9 September 2005